

III. Remarks

Claims 17-32 are pending in the application. Claim 33 has been cancelled

Claim Rejections 35 USC §112

Claims 18-28 and 30 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention in that the claims depend from cancelled claims (claims 1 and 2) thereby making the scope of the claims unascertainable to one of ordinary skill in the art. The dependency of the claims has been corrected, thus obviating this ground for rejection.

Claim Rejections -35 USC §102

Claims 1-16 stand rejected under 35 U.S.C. 102(b) as being anticipated by Steeghs (US 5,476,532).

The examiner states that Steeghs teaches a coated ferrous material which is comprised of a material which is hardening in the presence of water. The examiner specifically references Steeghs at col. 3 lines 30-35 and col. 4 lines 40-50, for example, as showing that a material hardenable in water is disclosed.

Applicants respectfully disagree. It is beneficial to examine exactly what Steeghs says at the locations cited. At col. 3 lines 30-35 Steeghs states:

As typical composition additives may be mentioned, by nonlimiting example, **flux** (e.g., limestone, dolomite etc.), **minerals** to improve metallurgical properties of the pellets (e.g. olivine, serpentine, magnesium, etc.), caustic and coke.

It is crucial to note that the examples Steeghs specifies, e.g., limestone, dolomite etc. are all **examples of flux minerals**. It is further noted that Steeghs does not include a reference to dolomite “containing materials, such as Portland cement” as stated by the examiner – it is

dolomite itself. He does not for the simple reason that although limestone and dolomite are fluxes, Portland cement is not.

At col. 4 lines 40-50 Steeghs states:

Any fluxing agents conventionally employed in iron and steelmaking can be utilized in the dispersion of the present invention. Preferably, lime-bearing materials are employed as fluxing agents. Non-limiting examples include lime, calcium and/or magnesium bearing materials, dolomite, olivine, fosterite, limestone and the like.

Again, Steeghs limits his disclosure to materials that are “fluxes”.

Any person skilled in the art knows very well that Portland cement is not a flux material “conventionally employed in iron and steelmaking”. In the iron and steelmaking process, flux materials are the ones used to decrease the melting point of solid materials to be agglomerated or melted (and not to improve their hardness). This is the reason why Steeghs in 5,476,532 properly does not link flux and hardness and does not include cement in the patent claims – see especially claim 7. Portland cement simply cannot be included in the group of flux materials.

It is the responsibility of the examiner to demonstrate that Portland cement is a flux, if that is the position the examiner relies upon to prove a *prima facie* case. Here, it is well known in the art that Portland cement is not a flux and the examiner has not demonstrated, by reference to Steeghs or otherwise, that Portland cement is “fluxing agents conventionally employed in iron and steelmaking”.

Further evidence of the inapplicability of Steeghs appears in the examples of Steeghs where Portland cement is tested, not as a flux, but as the particulate material component of Steeghs composition. In the results of Steeghs examples reported in Table 1, the results show “n.d.” for non detected, which causes Steeghs, at col. 3, line 67 to col. 4, line 5 to expressly reject Portland

cement as a candidate for the "particulate material being substantially nonhardening in the presence of water".

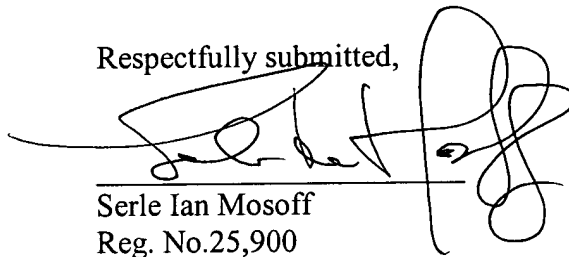
Finally, Applicant does not teach the application of the Portland cement alone but as a component in a mixture with particulate material in order to increase the hardness of the pellet coat. This method has been more useful when coated pellets need to be shipped and transported such as when the process of coating is carried out at the supplier pellet plants.

Conclusion

In view of the foregoing amendments and discussions, therefore, it is respectfully submitted that the present invention as defined in the pending claims 17 to 32 is in full compliance with all the statutory requirements, and therefore, it is earnestly requested that the Examiner's rejections be withdrawn and the pending claims be allowed in their present form.

Any fee due with this paper, not fully covered by an enclosed check, may be charged on Deposit Account 50-1290.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Serle Ian Mosoff", is written over a horizontal line. To the right of the signature is a large, stylized, circular flourish or scribble.

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